--68. A method as set forth in claim 41, wherein step of controlling the reassembly of received slots is accomplished using the source identifier code and at least the third code.--

--69. Apparatus of claim 42, wherein the reassembly machine controls the reassembly of received slots is accomplished using the source identifier code and at least the third code.--

--70. A method as set forth in claim 43, wherein step of controlling the reassembly of slots is accomplished using the source identifier code and at least the third code.--

REMARKS

Applicants wish to thank the Examiner for the many courtesies extended during an interview with the Examiner on July 10, 2002. A copy of an Agenda of items discussed during the Inteview with the Examiner is attached as an Appendix to this amendment.

The Interview

Applicants' Representatives and the Examiner discussed the items listed on than agenda, and agreed that Applicants would make of record the substance of the Interview. This portion of the Remarks will comply with that agreement.

Applicants' Representatives and the Examiner reviewed the prosecution history of the application, some history relating to the Assignee, the fact that aspects of the inventions have been incorporated into certain ATM standards, e.g. ATM Traffic Management Specification 4.1

and the AAL3/4 and AAL5 standards, and the fact that the current claims are directed to aspects of those standards.

Applicants' Representatives and the Examiner reviewed the prosecution history of the first reissue and how claims 15-40 had been determined to distinguish over the prior art and how the only issue remaining in the first reissue with respect to those claims was recapture. We discussed the arguments against recapture contained in the 3rd Preliminary Amendment (reproduced below) and how claims 15-40 should not be subject to recapture, particularly since claim 2 of the first reissue was always allowable to Applicants.

Applicants' Representatives and the Examiner discussed an Information Disclosure Statement (IDS) that Applicant's had filed containing documents from certain German litigation that was missing from the file in the Examiner's possession. Applicant' agreed to provided copies of that document as well as copies of other documents that were also missing. We discussed the fact that the Examiner would need to review the prior art of the IDS and would need to at least update the previous search.

Applicants' Representatives and the Examiner discussed how claims 41-71 (now renumbered 41-70) related to claims 15-40 as previously examined. A summary of that discussion is contained in item IV of the Agenda for the Interview, attached.

Applicants' Representatives and the Examiner discussed that the rationale for adding dependent claims 61-68 (now renumbered 60-67) was to expressly cover one implementation of respective parent claims and that the rationale for adding dependent claims 69-71 (now renumbered 68-70) was to expressly cover one case where only one of the first, second or third codes, was used (such as found in AAL5).

The Examiner pointed out that dependent claims 62 and 64 through 68 (now respectively renumbered 61 and 63-67 should have used the term "apparatus" as the second word since these claims are, in fact, dependent upon apparatus claims. Those changes have been included with this amendment.

Other Remarks

On July 31, 2001, concurrently with the filing of the above-identified reissue divisional application, a Preliminary Amendment made changes to the specification at the beginning of the application to assert that this application is a continuation of the application which matured into U.S. Patent No. 5,050,166. However, this application is, in fact, a reissue divisional of that reissue application and not a continuation. The difference is important because claims 1-14 have been cancelled with the intention that they remain part of U.S. Patent No. RE37,494, which issued on that application. As a divisional, this application presents claims above and beyond those of the reissue application which resulted in U.S. Patent RE37,494. Thus, the original U.S. Patent 5,050,166 has been reissued as U.S. Patent No. RE37,494, and will be reissued as a divisional in the above-identified application. In other words, there will be two viable divisional reissues of the original U.S. Patent 5,050,166. The cancellation of claims 1-14 in this application reflects the fact that those claims are already part of Reissue application RE37,494 and do not need to be duplicated and should not be duplicated here.

In the application of which the above identified application constitutes a reissue divisional (namely Serial No. 08/122,934, now U.S. Patent RE37,494, which issued on January 1, 2002), certain claims were rejected as based on recapture.

The "Second Preliminary Amendment" of the above identified application correctly provided arguments as to why the claims in this divisional reissue were allowable and not subject to recapture.

One purpose of this submission is to provide an additional rationale for the allowance of the claims.

The differences between the original patent claims found in U.S. Patent No. 5,050,166 and the claims found in this application at this time are the following:

> (N) Each independent claim, **except claims 46, 47, 58 and 60**, is narrower than the corresponding patented independent claim in including a phrase like: "**a type field in the header of each slot, coding into the type field, a code selected from a first code, a second code and a third code, respectively representing a beginning of a message, a continuation of a message and an end of a message.**"
>
> (B2) Each independent claim, **except claims 45 and 46**, is broader in removing a phrase like "**entering said destination address in the message segment of said first slot.**"
>
> (B1) Each independent claim, **except claims 26 and 27,** is broader in removing a phrase like "**field which included a source identifier field which is substantially shorter than said destination address.**"

In the prosecution of the original patent 5,050,166, only original claims "1 **and** 9" [emphasis added] were rejected over U.S. Patent No. 4,410,889 to Bryant et al. Limitations labeled B1 and B2 were added to the original patent application claims in an Amendment responding to the anticipation rejection of claims 1 and 9 over Bryant et al.

The limitation labeled N, above, comes from claim 2 of the original claims of the patent application which became U.S. Patent No. 5,050,166.

Claim 2 of those original claims was never rejected and was thus always allowable over Bryant et al. Therefore any claim containing the N limitation, which was the substance of

original claim 2, (i.e. independent claims 15, 23, 26, 27, 28, 33, 41, 42, 44, 45, and 59, would have been allowable in the original application and therefore not a proper subject for a recapture rejection.

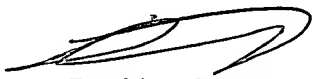
None of the claims as contained in this Application at this time is believed to be a proper candidate for rejection based on recapture

Accordingly, Applicants respectfully request that the Examiner allow the application to reissue as a patent.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The specification has been amended as follows:

Please amend the beginning of the application (inserted by a Preliminary Amendment on July 31, 2001) as follows:

This is a [continuation] reissue divisional (and claims the benefit of priority under 35 USC 120) of U.S. application serial no. 08/122,934, filed September 17, 1993, which is an [reissue] application for reissue of U.S. patent 5,050,166 (now Patent No. RE37,494, issued January 1, 2002) claiming the priority date of U.S. patent 5,050,166. The disclosure of the prior application is considered part of (and is incorporated by reference into) the disclosure of [the] this application.

This application claims (under 35 USC § 119) the benefit of patent application serial number P10884, filed in Australia on March 17, 1987.

IN THE CLAIMS:

The changes shown here are based on Claims 15-27 (as originally filed with this reissue) and show changes needed to get from those original claims to the version of those claims in the 3rd Preliminary Amendment. Since claims 28 and beyond were added subsequent to filing, no changes to those claims are included here. Only the final version is given above.

15. (Amended) A method of transmitting variable length messages on a network from a source to a destination [in], said method comprising

segmenting each message into a plurality of fixed length slots [that include], each of which slots includes a header field and a message segment,

[said method including the steps of]

providing a source identifier field in the header field of each slot, said source identifier field including a source identifier code that is uniquely associated with the message to be transmitted,

transmitting the slots on the network,

[and controlling the reassembly of slots at the destination in accordance with the source identifier codes of the slots received at the destination.--

--16. A method as claimed in claim 15 including the step of]

providing a type field in the header [field] of each slot, [and]

coding into the type field [a], a code selected from a first[,] code, a second [or] code, and a third code, respectively representing a beginning of a message, a continuation of a message [or], and an end of a message [respectively], and

controlling the reassembly of received slots at the destination in accordance with said source identifier [codes and the first, second and third codes.--]code, the first code, the second code, and the third code.

16. (Cancelled)

17. (Amended) A method as claimed in claim **15** [or 16 wherein], further comprising

transmitting the [message includes a] destination address field [that is checked] in the message segment of the first slot of the message, and

checking a destination address field associated with the message, for a match with an address associated with the destination[, and wherein the address field is transmitted in the message of the first slot used to transmit the message].

18. (Amended) A method as claimed in claim **[17 wherein the method includes the step of] 15**, further comprising storing message segments associated with a single message in a buffer.

19. (Amended) A method as claimed in claim **18** [wherein if said first code is detected at the destination,] further comprising

providing the source identifier code [is inputted to a comparator and if a] to a comparator in response to detection of said first code at said destination, and

in response to detection of the second code associated with a subsequently received slot [is detected] providing the source identifier thereof [is also inputted] to the comparator to check for a match, and

[if a match occurs]

storing the message segment of the subsequently received slot [is stored] in said buffer in response to detection of a match.

20. A method as claimed in claim **19** [wherein if said third code is detected the reassembled message in the buffer is outputted from the buffer.--], further comprising outputting the reassembled slots in the buffer from the buffer as a reassembled message in response to detection of said third code.

21. A method as claimed in claim **[16 including the step of] 15**, further comprising

coding, into the type field, a fourth code representing a single segment message, and

if said fourth code is detected in a slot received at the destination, storing the message segment thereof [is stored] in a single segment buffer.

22. A method as claimed in claim **20** [including the step of], further comprising

providing multiple comparators and buffers at the destination so as to enable simultaneous receipt of a plurality of messages, each having its own source identifier code, and

storing the message segments of each message [being stored] in respective buffers.

23. (Amended) Apparatus for transmitting variable length messages on a network from a source to a destination in fixed length slots, said apparatus including;

a segmentation machine for segmenting the [message] messages into fixed length slots [that include], each of which includes a header field and a message segment, said segmentation machine including coding means

for providing a source identifier field in the header of each slot, said source identifier field including a source identifier code that is uniquely associated with the message to be transmitted, and

for providing a type field in the header field of each slot, and

for providing a code selected from a first code, a second code, and a third code representing, respectively, a beginning of a message, a continuation of a message and an end of a message; and

a reassembly machine located, in use, at the destination, said reassembly machine including control means for controlling reassembly of [slot] the slots in accordance with [the] respective source identifier codes of the slots, said control means being[.--

--24. Apparatus as claimed in claim 23 wherein said coding means provides a type field in the header field of each slot and provides a first, second or third code representing a beginning of message, a continuation of message or an end of message respectively, and wherein the control means is] responsive to said source identifier [codes and] code, said first[,] code, said second code, and said third [codes. --]code.

24. (Cancelled)

25. (Amended) Apparatus as claimed in claim **23** [or 24] wherein the message includes a destination address field and wherein the segmentation machine is arranged to transmit the destination address field in the message segment of the first slot of the message.

26. (Amended) A method of transmitting a variable-length [messages] message on a network from a source having a source address to a destination having a destination address, said method [including the steps of] comprising:

segmenting [each] the variable-length message into a plurality of fixed length slots including a first slot, continuing slots, and a last slot, each of said fixed length slots including

a header field that includes a source identifier field, [which is] the source identifier field being substantially shorter than said destination address, and

a message segment;

providing a source identifier code[,] in the source identifier field, [each] said source identifier code being [uniquely associated with the message to be transmitted;] associated with the variable-length message;

providing a type field in the header of each slot,

coding, into the type field, a code selected from:

a first code representing a beginning of a message,

a second code representing a continuation of a message, and

a third code, representing an end of a message;

transmitting the slots on the network; and

controlling reassembly of slots at the destination in accordance with the source identifier code, first code, second code, and third code of slots received at the destination.

--27. (Unamended) Apparatus for transmitting variable length messages on a network from a source having a source address to a destination having a destination address in fixed length slots, said apparatus including:

a segmentation machine for segmenting each message into a plurality of fixed length slots including a first slot, continuing slots, and a last slot, each of said slots including a header field that includes a source identifier field that is substantially shorter than said destination address, and a message segment;

coding means for providing a source identifier field including a source identifier code that is uniquely associated with the message to be transmitted; and

a reassembly machine located, in use, at the destination, said reassembly machine including control means for controlling reassembly of slots in accordance with the source identifier codes of the slots.

APPENDIX A
AGENDA FOR INTERVIEW WITH THE EXAMINER
ON JULY 10, 2002 IN S/N 09/919,725

I. Review of prosecution history
   A. History of Assignee
   B. ATM Standards
   C. German Litigation

II. Claims 15-40 allowed over art in prosecution of first reissue
   A. Only rejection of claims 15-40 based on recapture
   B. Review recapture arguments in 3rd Preliminary Amendments
   C. Discuss Changes to Claims 15-40 between first reissue and 3rd Preliminary Amendment
   D. Why Recapture does not apply to any version of claims 15-40

III. IDS Filed with art cited in German Litigation
   A. Presumably Examiner will update search
   B. Old Priority Date

IV. How Claims 41-71 Relate to Claims 15-40
   A. Claim 41 derived from claims 15 with a few differences in langugage
   B. Claim 42 derived from claims 23 with "means" language removed and with a few additional differences in langugage
   C. Claim 44 derived from claims 26 with deletion of certain address limitations and with a few additional differences in langugage
   D. Claim 45 derived from claims 27 with deletion of certain address limitations, with removal of "means" language and with a few additional differences in langugage
   E. Claim 46 derived from Reissue Patent claim 1 with certain address limitations removed
   F. Claim 47 is an apparatus verions of claim 46
   G. Claims 58 is derived from claim 28 with changes of wording
   H. Claim 59 is derived from claims 33 with similar changes of wording
   I. Claim 60 is derived from claim 23.

V. Added Dependent Claims
   A. Claims 61-68 were added to explicitly cover one interpretation of respective parent claims.
   B. Claims 69-71 were added to expressly cover one case where only one of the first, second or third codes are used.